

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James T. Morris, et al.
Ser. No. : 10/791,298
Filing Date : March 1, 2004
For : MOBILE RICH MEDIA INFORMATION SYSTEM
Examiner : Tran, Paul P.
Art Unit : 2618
Atty. Docket : 58083/374981
Patent No. : 7,822,428
Issue Date : October 26, 2010

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December , 2010

**REQUEST FOR RECONSIDERATION OF PATENT TERM INDICATED ON
PATENT PURSUANT TO 37 C.F.R. 1.705 (d)**

Sir:

1. The above-referenced patent issued on October 26, 2010. The patent indicated that the PTA is 1538 days. It is believed that the correct total PTA to date is 1774 days.

2. The number of PTA credits of 796 days for PTO delay under 35 U.S.C. § 154(b)(1)(A) and 37 C.F.R. § 1.702(a)(1) and 35 U.S.C. § 154(b)(1)(B) and 37 C.F.R. § 1.702(b) that is set forth on the enclosed PTA History printed on September 2, 2010 (Exhibit A) is correct. Patentees believe that total PTA credit of 1774 days is appropriate based upon the following.

3. In accordance with § 1.705(d), this application for patent term adjustment is filed within two months of the October 26, 2010 issue date of the patent.

4. The following statements are required by 37 C.F.R. § 1.705(b)(2)(i).

- i) The correct total PTA credit is 1963 days.
- ii) The basis for the 796 days PTA credit is under §§ 1.702(a)(1) and is due to the PTO's failure to mail a notification under 35 U.S.C. § 132 or a notice of allowance within 14 months of the application's filing

date. The basis for the 1167 days is under § 1.702(b) and is due to the PTO's failure to issue a patent within three years of the filing date. (796 days plus 1167 days = 1963 days.)

5. The following statements are required by 37 C.F.R. § 1.705(b)(2)(ii).
- i) The relevant dates as specified in § 1.703(a) for one part of the PTA credit is as follows:

The date of May 2, 2005, which is the date that is the day after the date that is fourteen months on which the application was filed under 35 U.S.C. § 111(a), and the date of July 6, 2007, which is the mailing date of a notification under 35 U.S.C. § 132. This period of delay runs from May 2, 2005 to July 6, 2007. This period of delay is 796 days.

- iii) The relevant dates as specified in § 1.703(b) for the other part of the PTA credit are as follows:

The date of March 2, 2007, which is the day after the date that is three years on which the application was filed under 35 U.S.C. 111(a), and the date of May 12, 2010, which is the date a Request for Continued Examination was filed. This period of delay runs from March 2, 2007 to May 12, 2010. This period of delay is 1167 days.

Excluded from this delay is the overlap period beginning on March 1, 2007 and ending on July 6, 2007. This period of overlap is 127 days.

(796 days plus 1167 days minus 127 days equals 1836 days.)

6. Any patent granted on this application is not subject to a terminal disclaimer. See 37 C.F.R. § 1.705(b)(2)(iii).

7. The following statements are required by 37 C.F.R. § 1.705(b)(2)(iv)(A):

- (i) The response after non-final Office action filed October 8, 2007 was

filed after the three-month period for filing a response. Under § 1.704(b), the period of adjustment for delay associated with this reply begins on the day after the date that is three months after the mailing of the Office action on July 6, 2007 and ends on the date the reply was filed on October 8, 2007. This period of delay runs from October 7, 2007 to October 8, 2007. This period of delay is 2 days.

- (ii) The Information Disclosure Statement (IDS) was filed on January 20, 2009, after the filing of a Notice of Appeal on December 19, 2008. Under § 1.704(b), the period of adjustment for delay associated with this reply begins on the day after the date the Notice of Appeal was filed on December 19, 2008 and the date the IDS was filed on January 20, 2009. This period of delay runs from December 20, 2008 to January 20, 2009. This period of delay is 32 days.
- (iii) The response after non-final Office action filed July 14, 2009 was filed after the three-month period for filing a response. Under § 1.704(b), the period of adjustment for delay associated with this reply begins on the day after the date that is three months after the mailing of the Office action on March 16, 2009 and ends on the date the reply was filed on July 14, 2009. This period of delay runs from June 17, 2009 to July 14, 2009. This period of delay is 26 days.
- (iv) The Notice of Appeal filed February 15, 2010 was filed after the three-month period for filing a response. Under § 1.704(b), the period of adjustment for delay associated with this reply begins on the day after the date that is three months after the mailing of the Office action on November 13, 2009 and ends on the date the reply was filed on February 15, 2010. This period of delay runs from

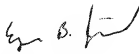
February 14, 2009 to February 15, 2010. This period of delay is 2 days.

(2 days plus 32 days plus 26 days plus 2 days equals 62 days.)

9. Patentees request reconsideration of the patent term as indicated on the patent from 1538 days to 1774 days.

10. Patentees authorize the Commissioner of Patents to charge the firm's credit card for the fee due under § 1.18(e). Applicants authorize the Commissioner of Patents to charge any additional fees due to Deposit Account No. 11-0855.

Respectfully submitted,



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EXHIBIT A

10/791,298 MOBILE RICH MEDIA INFORMATION SYSTEM

09-02-
2010 06:56:01**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/791,298

Filing or 371(c) Date:	03-01-2004	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	796
A Delays:	796	PTO Manual Adjustments:	0
B Delays:	0	Applicant Delays:	62
C Delays:	0	Total PTA Adjustments:	734

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
74	06-15-2010	Mail Notice of Allowance			0
73	06-09-2010	Issue Revision Completed			0
72	06-09-2010	Document Verification			0
71	06-07-2010	Examiner's Amendment Communication			0
70	06-02-2010	Examiner Interview Summary Record (PTOL - 413)			0
69	06-07-2010	Notice of Allowance Data Verification Completed			0
68	06-07-2010	Notice of Allowability			0
67	05-13-2010	Date Forwarded to Examiner			0
66	05-12-2010	Amendment Submitted/Entered with Filing of CPA/RCE			0
64	05-13-2010	Disposal for a RCE / CPA / R129			0
63	05-12-2010	Workflow - Request for RCE - Begin			0
62	04-26-2010	Mail Examiner Interview Summary (PTOL - 413)			0
61	04-21-2010	Examiner Interview Summary Record (PTOL - 413)			0
60	02-15-2010	Notice of Appeal Filed		2	55
59	02-01-2010	Mail Advisory Action (PTOL - 303)			0
58	01-29-2010	Advisory Action (PTOL-303)			0
57	01-21-2010	Date Forwarded to Examiner			0
56	01-13-2010	Amendment after Final Rejection			0

55	11-13-2009	Mail Final Rejection (PTOL - 326)		0
54	11-09-2009	Final Rejection		0
53	07-10-2009	Miscellaneous Incoming Letter		0
52	09-09-2009	Date Forwarded to Examiner		0
51	07-14-2009	Response after Non-Final Action	26	45
50	07-14-2009	Request for Extension of Time - Granted		0
49	07-20-2009	Mail Examiner Interview Summary (PTOL - 413)		0
48	07-14-2009	Examiner Interview Summary Record (PTOL - 413)		0
47	06-24-2009	Change in Power of Attorney (May Include Associate POA)		0
46	06-19-2009	Correspondence Address Change		0
44	03-16-2009	Non-Final Rejection		0
43	01-20-2009	Information Disclosure Statement considered		0
38	01-20-2009	Reference capture on IDS		0
37	01-20-2009	Information Disclosure Statement (IDS) Filed	32	33
36	02-10-2009	Case Docketed to Examiner in GAU		0
35	01-26-2009	Appeal Brief Review Complete		0
34	01-26-2009	Date Forwarded to Examiner		0
33	12-19-2008	Appeal Brief Filed		0
32	01-20-2009	Information Disclosure Statement (IDS) Filed		0
31	11-13-2008	Case Docketed to Examiner in GAU		0
30	10-23-2008	Notice of Appeal Filed		0
28	08-04-2008	Non-Final Rejection		0
27	06-02-2008	Appeal Brief Review Complete		0
26	06-02-2008	Date Forwarded to Examiner		0
25	05-28-2008	Appeal Brief Filed		0

24	03-28-2008	Notice of Appeal Filed		0
23	12-31-2007	Mail Final Rejection (PTOL - 326)		0
22	12-26-2007	Final Rejection		0
21	10-15-2007	Date Forwarded to Examiner		0
20	10-08-2007	Response after Non-Final Action	2	19
19	07-06-2007	Mail Non-Final Rejection	796	-1
18	06-25-2007	Non-Final Rejection		0
17	12-11-2006	Case Docketed to Examiner in GAU		0
16	11-20-2006	Case Docketed to Examiner in GAU		0
15	11-09-2006	Case Docketed to Examiner in GAU		0
14	10-26-2006	IFW TSS Processing by Tech Center Complete		0
13	01-26-2006	Correspondence Address Change		0
12	07-28-2004	Application Return from OIPE		0
11	07-28-2004	Application Return TO OIPE		0
10	07-28-2004	Application Dispatched from OIPE		0
9	07-28-2004	Application Is Now Complete		0
8	06-28-2004	Payment of additional filing fee/Preexam		0
7	06-28-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		0
6	05-25-2004	Notice Mailed--Application Incomplete--Filing Date Assigned		0
5	03-01-2004	PGPub nonPub Request		0
4	03-31-2004	Cleared by OIPE CSR		0
3	03-31-2004	CASE CLASSIFIED BY OIPE		0
2	03-23-2004	IFW Scan & PACR Auto Security Review		0
1	03-01-2004	Initial Exam Team nn		0

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